



MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment

FROM: Jennifer Steingasser, Deputy Director Development Review & Historic Preservation

DATE: February 23, 2010

SUBJECT: Extension Request – BZA Case #17723, 460 New York Avenue NW
Square 515N, Lot 828

Applicant:	Bozutto Development Company
Address:	460 New York Avenue, NW
Zoning:	DD/C-2-C
Ward / ANC	Ward 6 ANC 6C
Project Summary:	The completed project would be a 13-story, 130-foot high, 84-unit residential building consisting of a to-be-renovated three-story concrete frame warehouse and ten stories of new construction atop the warehouse.
Date of Order Issuance:	March 28, 2008
Previous Extension:	N/A
Date of Order Expiration:	March 28, 2010

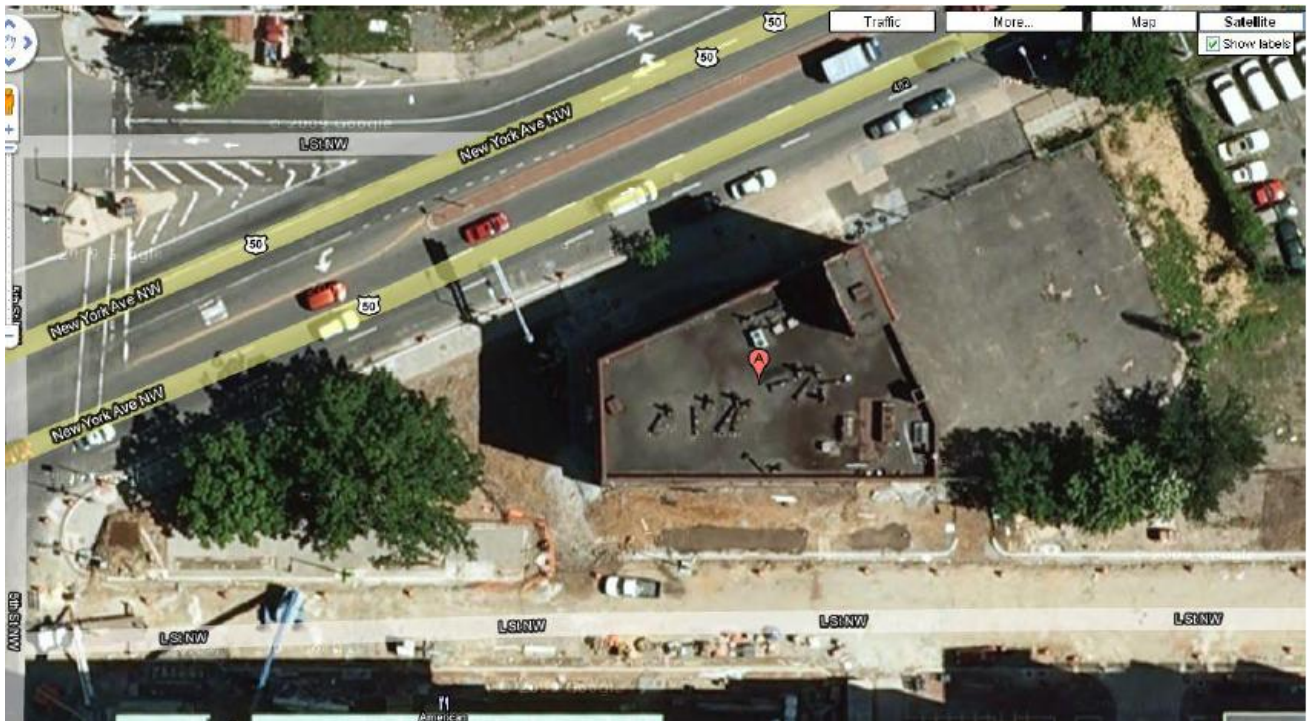


Figure 1. Aerial View of Triangular Site, Taken Within the Last Six Months.

The site's eastern boundary is on the right side of the building adjacent to the parking lot.



EVALUATION OF THE EXTENSION REQUEST

Section 3031.6 of the Zoning Regulations allows for the extension of a BZA approval for “good case” shown upon the filing of a written request by the applicant before the expiration of the approval; provided that the BZA determines that the following requirements are met:

- (a) The extension request is served on all parties to the application by the applicant, and all parties are allowed thirty (30) days to respond.**

The application submitted to the BZA is dated January 10, 2010 and has been in the public record since filing. §3130.9 further provides that a time extension filed at least 30 days prior to the expiration date shall toll the expiration date to allow the BZA to consider the request

- (b) There is no substantial change in any of the material facts upon which the Board based its original approval of the application that would undermine the Board’s justification for approving the original application.**

Zoning Regulations:

There has been no change to the zoning regulations in the last two years that would affect this site or project. The Inclusionary Zoning regulations do not apply to sites within the DD overlay.

Comprehensive Plan

There has been no change to the 2006 Comprehensive Plan that would affect this site.

Surrounding Development:

The City Vista project, across from the project site on the south side of L Street, had been topped out when the BZA issued its order in this case. It has been completed since then. There has been no other significant construction near the site since then.

Proposed Development:

The application indicates that no changes to the approved development are proposed as part of this extension request.

- (c) The applicant demonstrates that there is good cause for such extension, with substantial evidence of one or more of the following criteria.**
- (1) An inability to obtain sufficient project financing due to economic and market conditions beyond the applicant’s reasonable control;**
 - (2) An inability to secure all required governmental agency approvals by the expiration date of the Board’s order because of delays that are beyond the applicant’s reasonable control; or**
 - (3) The existence of pending litigation or such other condition, circumstance, or factor beyond the applicant’s reasonable control.**

The applicant is a substantial development company with a history of successful residential projects in the Washington area. Like many development companies, the applicant has been unable to find project financing in the economic downturn that began soon after the BZA granted zoning relief for the project. OP has asked the applicant to submit documentation of, or a notarized description of, its unsuccessful attempts to secure financing.